

OVERTIME AND THE FAIR LABOR STANDARDS ACT (FLSA)

WHAT LEAD UP TO TODAY

- DCMC SAN DIEGO LOCAL UNION FILED A ULP WITH CLAIMS FOR SUFFERED AND PERMITTED OVERTIME WHILE IN TRAVEL STATUS AND 10 OTHER UNIONS FOLLOWED
 - 1 DCMDE
 - 10 DCMDW
 - LABOR-MANAGEMENT AGREED TO CONSOLIDATE GRIEVANCES
 - SETTLEMENT REACHED ON JULY 14, 1999

WHAT LEAD UP TO TODAY (CONT'D)

DCMC SETTLED 26 DCMDE AND 9 DCMDW IN AUG
AND SEP 1999

9 POSITIONS REMAIN IN DISPUTE:

- GS-334-11
- GS-343-11
- GS-1102-11
- GS-1103-11
- GS-1103-12
- GS-1150-11
- GS-1150-12
- GS-1910-11
- GS-2010-11

WHAT LEAD UP TO TODAY (CONT'D)

- INTEREST BASED NEGOTIATIONS BEING HELD NOVEMBER 8-10, 1999
- IF NO AGREEMENT REACHED, DLA WILL GO TO ARBITRATION

CATEGORIES OF EMPLOYEES FOR OVERTIME PURPOSES

- **EXEMPT** FROM THE FAIR LABOR STANDARDS ACT
 - RULES FOR DETERMINING OVERTIME COMPENSATION ARE IN TITLE 5 OF U.S. CODE AND PART 550 OF TITLE 5, CODE OF FEDERAL REGULATIONS
- **NONEXEMPT** FROM THE FAIR LABOR STANDARDS ACT
 - RULES FOR DETERMINING OVERTIME COMPENSATION ARE IN PART 551 OF TITLE 5, CODE OF FEDERAL REGULATIONS

FLSA EXEMPTION DECISIONS

- EXEMPTION STATUS DETERMINED BY HUMAN RESOURCES, APPLYING CRITERIA FROM CODE OF FEDERAL REGULATIONS (TITLE 5, PART 551)
- DEFAULT IS FOR EMPLOYEE TO BE NONEXEMPT
 - BURDEN ON AGENCY TO DEMONSTRATE EXEMPTION
- IF REASONABLE DOUBT, EMPLOYEE IS NONEXEMPT
- DECISION ULTIMATELY RELIES ON DUTIES PERFORMED
- DECISION RECORDED ON OPTIONAL FORM 8 (BLOCK 7) AND STANDARD FORM 50 (BLOCK 35)

EXEMPTION CATEGORIES

- CRITERIA DEFINE 3 TYPES OF POSITIONS THAT ARE EXEMPT:
 - EXECUTIVE (SUPERVISORS)
 - PROFESSIONAL (E.G., ENGINEERS, ACCOUNTANTS)
 - ADMINISTRATIVE (WIDE VARIETY OF OCCUPATIONS, SUCH AS CONTRACTING, QUALITY ASSURANCE, BUDGET, ETC.)

PROFESSIONAL EXEMPTION CRITERIA

- POSITIONS MUST MEET ALL OF THE FOLLOWING TESTS:
 - PRIMARY DUTY TEST
 - INTELLECTUAL AND VARIED WORK TEST
 - DISCRETION AND INDEPENDENT JUDGMENT TEST
 - 80-PERCENT TEST (ONLY APPLICABLE AT GS-5 AND 6)

PROFESSIONAL EXEMPTION CRITERIA (CONT'D)

- PRIMARY DUTY TEST- MUST MEET ONE OF THE FOLLOWING:
 - WORK REQUIRES KNOWLEDGE IN A FIELD OF SCIENCE OR LEARNING (BACHELOR'S DEGREE) WITH MAJOR STUDY IN SPECIALIZED FIELD (E.G., ENGINEERING)

OR
 - ORIGINAL OR CREATIVE WORK IN A RECOGNIZED FIELD OF ARTISTIC ENDEAVOR

OR
 - WORK REQUIRES THEORETICAL AND PRACTICAL APPLICATION OF HIGHLY SPECIALIZED KNOWLEDGE OF COMPUTER SOFTWARE

PROFESSIONAL EXEMPTION CRITERIA (CONT'D)

- INTELLECTUAL AND VARIED WORK TEST:
 - WORK IS INTELLECTUAL AND VARIED IN NATURE AND
 - WORK REQUIRES CREATIVE, ANALYTICAL, EVALUATIVE, OR INTERPRETATIVE THOUGHT PROCESSES FOR SATISFACTORY PERFORMANCE

PROFESSIONAL EXEMPTION CRITERIA (CONT'D)

- DISCRETION AND INDEPENDENT JUDGMENT TEST - EMPLOYEE FREQUENTLY EXERCISES DISCRETION AND INDEPENDENT JUDGMENT, UNDER ONLY GENERAL SUPERVISION, IN PERFORMING NORMAL DAY-TO-DAY WORK
 - WORK IS SUFFICIENTLY COMPLEX AND VARIED TO REQUIRE DISCRETION AND JUDGMENT IN DETERMINING APPROACHES AND TECHNIQUES, ANALYZING RESULTS (APPLYING STANDARDIZED TECHNIQUES OR GUIDELINES THAT SPECIFICALLY GOVERN WORK FAILS THIS TEST)
 - DECISIONS MUST BE SIGNIFICANT (MORE THAN PROCEDURAL DETAILS, OR DETERMINING IF A SITUATION CONFORMS TO CLEARLY APPLICABLE CRITERIA)

ADMINISTRATIVE EXEMPTION CRITERIA

- POSITIONS MUST MEET ALL OF THE FOLLOWING TESTS:
 - PRIMARY DUTY TEST
 - NONMANUAL WORK TEST
 - DISCRETION AND INDEPENDENT JUDGMENT TEST
(SAME AS FOR PROFESSIONAL CRITERIA)
 - 80-PERCENT TEST (ONLY APPLICABLE AT GS-5 AND 6)

ADMINISTRATIVE EXEMPTION CRITERIA (CONT'D)

- PRIMARY DUTY TEST- MUST MEET ONE OF THE FOLLOWING:
 - WORK SIGNIFICANTLY AFFECTS FORMULATION OR EXECUTION OF MANAGEMENT PROGRAMS OR POLICIES
 - OR
 - WORK INVOLVES MANAGEMENT OR GENERAL BUSINESS FUNCTIONS OR SUPPORTING SERVICES OF SUBSTANTIAL IMPORTANCE TO ORGANIZATION SERVICED
 - OR
 - WORK INVOLVES SUBSTANTIAL PARTICIPATION IN EXECUTIVE OR ADMINISTRATIVE FUNCTIONS OF A MANAGEMENT OFFICIAL

ADMINISTRATIVE EXEMPTION CRITERIA (CONT'D)

- EXAMPLES OF MANAGEMENT OR GENERAL BUSINESS FUNCTIONS/SUPPORTING SERVICES (AS DISTINGUISHED FROM PRODUCTION FUNCTIONS) INCLUDE:
 - PERFORMING FACETS OF OVERALL MANAGEMENT, SUCH AS BUDGET, PERSONNEL, SAFETY
 - REPRESENTING MANAGEMENT IN BUSINESS FUNCTIONS, SUCH AS NEGOTIATING AND ADMINISTERING CONTRACTS, DETERMINING ACCEPTABILITY OF GOODS AND SERVICES
 - PROVIDING SUPPORTING SERVICES SUCH AS ADP, COMMUNICATIONS, PROCUREMENT AND DISTRIBUTION OF SUPPLIES

ADMINISTRATIVE EXEMPTION CRITERIA (CONT'D)

- NEITHER ORGANIZATION LOCATION NOR NUMBER OF EMPLOYEES PERFORMING SIMILAR WORK CHANGES MANAGEMENT/GENERAL BUSINESS FUNCTIONS OR SUPPORTING SERVICES INTO PRODUCTION FUNCTIONS
- HOWEVER, WORK MUST INVOLVE SUBSTANTIAL DISCRETION ON MATTERS OF ENOUGH IMPORTANCE THAT WORK HAS NOTICEABLE IMPACT ON ORGANIZATION SERVICED

ADMINISTRATIVE EXEMPTION CRITERIA (CONT'D)

- NONMANUAL WORK TEST - MUST MEET ONE OF FOLLOWING:
 - WORK IS INTELLECTUAL AND VARIED IN NATURE I.E., IT REQUIRES GENERAL INTELLECTUAL ABILITIES APPLIED TO A VARIETY OF SUBJECT MATTER FIELDS, OR INVOLVES SUBSTANTIAL JUDGMENT BASED ON APPLYING PRINCIPLES TO NUMEROUS VARIABLES
 - OR
 - WORK IS OF SPECIALIZED OR TECHNICAL NATURE, WHICH REQUIRES SPECIALIZED KNOWLEDGE OF A COMPLEX SUBJECT MATTER, CHARACTERISTICALLY ACQUIRED THROUGH ON-THE-JOB TRAINING AND EXPERIENCE

EXEMPT EMPLOYEES

- APPLICATION OF THE EXEMPTION CRITERIA IN DLA HAVE RESULTED IN SOME BROAD PATTERNS:
 - SUPERVISORS AT ANY GRADE ARE TYPICALLY EXEMPT
 - PROFESSIONAL AND ADMINISTRATIVE AT GS-11 AND ABOVE ARE GENERALLY EXEMPT, E.G.:
 - GS-560-11 BUDGET ANALYST
 - GS-1102-11 CONTRACT SPECIALIST, ADMINISTRATOR, ETC.
 - GS-1910-11 QUALITY ASSURANCE SPECIALIST

NONEXEMPT EMPLOYEES

- NONSUPERVISORY EMPLOYEES AT GS-10 AND BELOW (WITH POSSIBLE EXCEPTION OF SECRETARIES AT GS-9 OR GS-10)
 - INCLUDES BOTH PROFESSIONAL AND ADMINISTRATIVE
- CERTAIN EMPLOYEES AT THE GS-11 LEVEL (E.G., GS-1670-11 EQUIPMENT SPECIALIST, GS-2032-11 PACKAGING SPECIALIST)
- AS PREVIOUSLY NOTED, THE OF-8 AND SF-50 REFLECT FLSA STATUS OF EMPLOYEES

OVERTIME PROVISIONS FOR EXEMPT EMPLOYEES

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- OVERTIME ENTITLEMENT FOR HOURS OVER 8 IN A DAY, 40 IN A WEEK
 - PAID LEAVE COUNTS TOWARD THE 8/40 THRESHOLDS
 - FOR EMPLOYEES ON COMPRESSED SCHEDULES, THE 8-HOUR THRESHOLD IS REPLACED BY THE NUMBER OF HOURS SCHEDULED FOR EACH DAY (E.G., 9 OR 10)
 - EMPLOYEES ELIGIBLE TO EARN CREDIT HOURS CANNOT RECEIVE OVERTIME PAY FOR SUCH HOURS

OVERTIME PROVISIONS FOR EXEMPT EMPLOYEES

- OVERTIME RATE IS 1.5 TIMES THE REGULAR RATE OF PAY, **EXCEPT** THE RATE IS CAPPED AT 1.5 TIMES GS-10 STEP 1
 - CAP APPLIES AT GS-8, STEPS 8-10, GS-9, STEPS 5-10, ALL LEVELS FOR GS-10 AND ABOVE
 - FOR EMPLOYEES AT HIGHER GRADES, THE OVERTIME RATE MAY BE LESS THAN THE REGULAR RATE OF PAY, DUE TO THE CAP

OVERTIME PROVISIONS FOR EXEMPT EMPLOYEES

- OVERTIME MUST BE OFFICIALLY ORDERED AND APPROVED
 - TO MAXIMUM EXTENT POSSIBLE, SHOULD BE SCHEDULED IN ADVANCE AND IN WRITING (DLAR 1422.2)
- ANY EMPLOYEE CLAIM FOR BACK PAY MUST DEMONSTRATE MANAGEMENT APPROVAL OF HOURS WORKED

TRAVEL FOR EXEMPT EMPLOYEES

- TRAVEL IS CREDITED AS HOURS OF WORK IF IT MEETS ONE OF THE FOLLOWING CRITERIA:
 - TRAVEL INVOLVES THE PERFORMANCE OF ACTUAL WORK WHILE TRAVELING, E.G.:
 - EMPLOYEE IS DIRECTED TO PERFORM WORK WHILE TRAVELING AS A PASSENGER
 - TRAVEL IS INTRINSIC TO THE WORK, SUCH AS MONITORING GEOGRAPHICALLY DISPERSED COMMUNICATIONS DEVICES

TRAVEL FOR EXEMPT EMPLOYEES (CONT'D)

- TRAVEL CREDITED AS HOURS OF WORK
 - TRAVEL IS INCIDENT TO TRAVEL THAT INVOLVES THE PERFORMANCE OF WORK WHILE TRAVELING, E.G.:
 - EMPLOYEE TRAVELS TO A DESTINATION TO BOARD A MEANS OF TRANSPORTATION ON WHICH HE WILL PERFORM WORK WHILE TRAVELING
 - TRAVEL IS CARRIED OUT UNDER SUCH ARDUOUS AND UNUSUAL CONDITIONS THAT TRAVEL IS INSEPARABLE FROM WORK, E.G.:
 - TRAVEL OVER UNUSUALLY ADVERSE TERRAIN BY FOOT OR HORSEBACK

TRAVEL FOR EXEMPT EMPLOYEES (CONT'D)

- TRAVEL CREDITED AS HOURS OF WORK (CONTINUED)
 - TRAVEL RESULTS FROM AN ADMINISTRATIVELY UNCONTROLLABLE EVENT, E.G.:
 - A TRAINING COURSE CONDUCTED BY A PRIVATE ENTITY THAT INCLUDES BOTH FEDERAL AND NON-FEDERAL PARTICIPANTS
 - IN CONTRAST, THE FOLLOWING WOULD NOT BE CONSIDERED ADMINISTRATIVELY UNCONTROLLABLE:
 - A TRAINING COURSE AT A GOVERNMENT TRAINING CENTER (EVEN IF THE PROVIDER IS NOT DLA/DOD)
 - A TRAINING COURSE PROVIDED BY A PRIVATE SECTOR SOURCE EXCLUSIVELY FOR FEDERAL AGENCIES

COMPENSATORY TIME OFF FOR EXEMPT EMPLOYEES

- COMPENSATORY TIME MAY BE GRANTED IN LIEU OF OVERTIME PAY FOR IRREGULAR OR OCCASIONAL OT WORK
 - EMPLOYEE'S UNDERLYING ENTITLEMENT IS PREMIUM (OVERTIME) PAY
 - COMPENSATORY TIME IS SIMPLY AN ALTERNATE FORM OF COMPENSATION

COMPENSATORY TIME OFF FOR EXEMPT EMPLOYEES (CONT'D)

- COMPENSATORY TIME MAY BE GRANTED IN LIEU OF OVERTIME PAY FOR IRREGULAR OR OCCASIONAL OT WORK
 - IRREGULAR OR OCCASIONAL IS WORK THAT IS NOT SCHEDULED IN ADVANCE OF THE WORKWEEK (E.G., AN UNANTICIPATED REQUIREMENT THAT ARISES DURING THE WORKWEEK)
 - IF WORK IS SCHEDULED IN ADVANCE OF WORKWEEK, IT CANNOT BE RECORDED AS COMP TIME

COMPENSATORY TIME OFF FOR EXEMPT EMPLOYEES (CONT'D)

- EXEMPT EMPLOYEES WHOSE BASIC PAY IS AT OR BELOW GS-10, STEP 10, MUST BE PAID PREMIUM (OVERTIME) PAY FOR OVERTIME HOURS, UNLESS THEY REQUEST COMPENSATORY TIME
- FOR EXEMPT EMPLOYEES WHOSE BASIC PAY EXCEEDS GS-10, STEP 10, MANAGEMENT MAY REQUIRE THAT OVERTIME HOURS BE RECORDED AS COMPENSATORY TIME

COMPENSATORY TIME OFF FOR EXEMPT EMPLOYEES (CONT'D)

- SINCE JANUARY 1997, ANY COMPENSATORY TIME EARNED MUST BE USED WITHIN 26 PAY PERIODS
 - AFTER 26 PAY PERIODS, UNUSED TIME IS LIQUIDATED THOROUGH PAYMENT FOR THE OVERTIME
- COMPENSATORY TIME EARNED BEFORE JANUARY 1997 REMAINS TO THE EMPLOYEE'S CREDIT UNTIL SEPARATION FROM DLA (TRANSFER TO ANOTHER DOD COMPONENT, RETIREMENT, ETC.)
 - UPON SEPARATION, COMPENSATORY TIME IS PAID OUT (AT THE APPLICABLE RATE FROM THE PERIOD WHEN EACH HOUR WAS EARNED)

OVERTIME PROVISIONS FOR NONEXEMPT EMPLOYEES

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- OVERTIME ENTITLEMENT FOR HOURS OVER 40 IN A WEEK
- HOURS OVER 8 IN A DAY ARE OVERTIME ONLY IF THEY MEET THE CRITERIA IN PART 550
 - MEANS THAT TRAVEL THAT IS WORK UNDER 551 BUT NOT 550 COUNTS TOWARD THE 40 HOUR BUT NOT 8 HOUR THRESHOLD
- PAID LEAVE COUNTS TOWARD THE 8/40 THRESHOLDS
- SAME PROVISIONS FOR EMPLOYEES ON COMPRESSED OR FLEXIBLE SCHEDULES AS FOR EXEMPT EMPLOYEES

OVERTIME PROVISIONS FOR NONEXEMPT EMPLOYEES (CONT'D)

- OVERTIME RATE IS 1.5 TIMES THE REGULAR RATE OF PAY (I.E., THERE IS NO CAP)
- ALL WORK PERFORMED FOR THE BENEFIT OF THE AGENCY IS HOURS OF WORK, INCLUDING:
 - WORK THAT IS OFFICIALLY ORDERED
 - “SUFFERED OR PERMITTED” WORK

OVERTIME PROVISIONS FOR NONEXEMPT EMPLOYEES (CONT'D)

- SUFFERED OR PERMITTED INCLUDES WORK PERFORMED FOR THE BENEFIT OF THE AGENCY:
 - WHETHER REQUESTED OR NOT
 - WHICH THE SUPERVISOR KNOWS OR HAS REASON TO BELIEVE IS BEING PERFORMED
 - WHICH THE SUPERVISOR HAS AN OPPORTUNITY TO PREVENT FROM BEING PERFORMED

OVERTIME PROVISIONS FOR NONEXEMPT EMPLOYEES

- EXAMPLES OF SUFFERED OR PERMITTED WORK SITUATIONS:
 - EMPLOYEE ARRIVES BEFORE THE START OF TOUR AND BEGINS WORK
 - EMPLOYEE WORKS THROUGH LUNCH PERIOD
 - EMPLOYEE CONTINUES TO WORK BEYOND THE END OF SCHEDULED TOUR
 - EMPLOYEE WORKS ON SCHEDULED NONWORKDAYS

OVERTIME PROVISIONS FOR NONEXEMPT EMPLOYEES

- CLAIMS FOR BACK PAY ONLY NEED TO DEMONSTRATE THAT OVERTIME WORK WAS SUFFERED OR PERMITTED
 - SIGNIFICANTLY DIFFERENT STANDARD FROM EXEMPT, WHICH MUST SHOW THAT WORK WAS OFFICIALLY ORDERED OR APPROVED
 - REVIEWERS OF CLAIMS IN MOST CASES WOULD BE INDEPENDENT ARBITRATORS - YARDSTICK FOR ACCEPTABLE EVIDENCE MIGHT VARY

COMPENSATORY TIME OFF FOR NONEXEMPT EMPLOYEES

- COMPENSATORY TIME MAY BE GRANTED IN LIEU OF OVERTIME PAY FOR IRREGULAR OR OCCASIONAL OT WORK (SAME PROVISION AS FOR EXEMPT EMPLOYEES)
- COMPENSATORY TIME MAY BE RECORDED ONLY AT THE REQUEST OF A NONEXEMPT EMPLOYEE
 - NO AUTHORITY FOR MANAGEMENT TO REQUIRE COMPENSATORY TIME IN LIEU OF PAID OVERTIME (REGARDLESS OF EMPLOYEE'S PAY RATE)
- POLICY ON USE OF COMPENSATORY TIME WITHIN 26 PAY PERIODS, GRANDFATHERING OF TIME EARNED BEFORE JANUARY 1997 IS SAME AS FOR EXEMPT EMPLOYEES

TRAVEL FOR NONEXEMPT EMPLOYEES

- TRAVEL IS CREDITED AS HOURS OF WORK UNDER THE FLSA IF THE EMPLOYEE:
 - DRIVES A VEHICLE OR PERFORMS OTHER WORK WHILE TRAVELING
 - TRAVELS AS A PASSENGER ON A ONE-DAY ASSIGNMENT AWAY FROM THE OFFICIAL DUTY STATION
 - ON AN OVERNIGHT ASSIGNMENT, TRAVELS ON NONWORKDAYS DURING HOURS THAT CORRESPOND TO HIS/HER REGULAR WORKING HOURS

TRAVEL FOR NONEXEMPT EMPLOYEES (CONT'D)

- EXAMPLE OF TRAVEL DURING CORRESPONDING HOURS:
 - EMPLOYEE'S REGULAR TOUR IS 0800-1630, MONDAY THROUGH FRIDAY
 - TRAVEL BETWEEN 0800 AND 1630 ON SATURDAY OR SUNDAY WOULD BE CREDITED AS HOURS OF WORK
- FOR AN EMPLOYEE ON A FLEXIBLE SCHEDULE, THE REGULAR WORKING HOURS ARE DETERMINED BASED ON THE EMPLOYEE'S PREDOMINANT ARRIVAL TIME (OR BY AVERAGING THE PREVIOUS 2 WEEKS, IF THE ARRIVAL TIME IS EXTREMELY VARIABLE)

TRAVEL FOR NONEXEMPT EMPLOYEES (CONT'D)

- FOR ONE-DAY ASSIGNMENTS AWAY FROM OFFICIAL DUTY STATION, NORMAL HOME-TO-WORK COMMUTE TIME IS DEDUCTED FROM TIME SPENT TRAVELING
- EXAMPLE:
 - EMPLOYEE'S NORMAL ROUNDTRIP HOME-TO-WORK COMMUTE TIME IS 1 HOUR
 - ONE-DAY ASSIGNMENT REQUIRES 1.5 HOURS TRAVEL EACH WAY FROM HOME TO ALTERNATE DUTY SITE
 - EMPLOYEE IS CREDITED WITH 2 HOURS OF TRAVEL AS HOURS OF WORK (3 HOURS MINUS THE 1 HOUR OF NORMAL HOME-TO-WORK COMMUTE TIME)

TRAVEL FOR NONEXEMPT EMPLOYEES (CONT'D)

- TRAVEL THAT IS WORK UNDER PART 551 BUT NOT PART 550 COUNTS TOWARD THE 40 HOUR BUT NOT 8 HOUR THRESHOLD
- EXAMPLE:
 - EMPLOYEE TRAVELS AS A PASSENGER ON A 1-DAY ASSIGNMENT BEFORE/AFTER THE EMPLOYEE'S REGULAR WORKING HOURS
 - CREDITED AS HOURS OF WORK UNDER THE 551 RULES, BUT FAILS TO MEET ANY OF THE 4 CONDITIONS IN THE 550 RULES
 - HOURS RESULT IN OVERTIME ONLY IF THEY CAUSE TOTAL HOURS FOR THE WEEK TO EXCEED 40

TRAVEL EXAMPLES

- EMPLOYEE WITH TOUR OF 0800-1630, MON-FRI, TRAVELS ON SUNDAY FROM 1300-1700 (DRIVING TO AIRPORT, WAITING FOR DEPARTURE, FLIGHT TIME, AND TRAVEL BY TAXI TO HOTEL); TRAVEL IS NECESSARY TO ATTEND A DEPARTMENT OF AGRICULTURE GRADUATE SCHOOL COURSE BEGINNING AT 0800 ON MONDAY
 - WHAT IS EMPLOYEE'S ENTITLEMENT IF EXEMPT
 - WHAT IS ENTITLEMENT IF EMPLOYEE IS NONEXEMPT

TRAVEL EXAMPLES (CONT'D)

- EXEMPT EMPLOYEE HAS NO ENTITLEMENT FOR COMPENSATION
 - SITUATION MEETS NONE OF THE 4 CONDITIONS IN PART 550
 - EVENT IS NOT ADMINISTRATIVELY UNCONTROLLABLE, SINCE SCHEDULED BY FEDERAL AGENCY
- NONEXEMPT EMPLOYEE WOULD GET CREDIT FOR 3.5 HOURS
 - TRAVEL BETWEEN 1300 AND 1630 IS DURING CORRESPONDING HOURS
 - TRAVEL BETWEEN 1630 AND 1700 IS OUTSIDE CORRESPONDING HOURS PERIOD

TRAVEL EXAMPLES (CONT'D)

- EMPLOYEE WHO MUST BE AT ALTERNATE DUTY SITE AT 0800 TO ATTEND A MEETING (CALLED BY NASA, WITH BOTH FEDERAL AND PRIVATE INDUSTRY PARTICIPANTS) THAT IS EXPECTED TO LAST 8 HOURS, DRIVES DIRECTLY FROM HIS RESIDENCE TO THE DUTY SITE FROM 0645-0745. EMPLOYEE LEAVES THE ALTERNATE DUTY SITE AT 1600, AND ARRIVES HOME AT 1700. NORMAL COMMUTE TIME (ONE-WAY) IS 20 MINUTES, AND REGULAR TOUR IS 0800-1630
 - WHAT IS EMPLOYEE'S ENTITLEMENT IF EXEMPT
 - WHAT IS ENTITLEMENT IF EMPLOYEE IS NONEXEMPT

TRAVEL EXAMPLES (CONT'D)

- EXEMPT EMPLOYEE HAS NO ENTITLEMENT, SINCE SITUATION DOES NOT MEET ANY OF THE 4 CONDITIONS IN PART 550
- NONEXEMPT EMPLOYEE IS ENTITLED TO 50 MINUTES RECORDED AS HOURS OF WORK:
 - DRIVING TIME IN MORNING IS CREDITED, LESS THE 20 MINUTES OF NORMAL COMMUTE TIME: 1 HOUR MINUS 20 MINUTES RESULTS IN 40 MINUTES RECORDED AS HOURS OF WORK
 - IN THE AFTERNOON, THE EMPLOYEE TRAVELED 30 MINUTES (FROM 1630-1700) AFTER THE END OF HIS TOUR. SUBTRACTING THE NORMAL COMMUTE TIME OF 20 MINUTES RESULTS IN 10 MINUTES RECORDED AS HOURS OF WORK

EMPLOYEE CLAIMS

- NONBARGAINING UNIT EMPLOYEES MAY FILE A CLAIM FOR OVERTIME COMPENSATION (BACK PAY) EITHER WITH DLA OR THE OFFICE OF PERSONNEL MANAGEMENT
 - A CLAIM WITHIN DLA IS FILED WITH THE CUSTOMER SERVICE UNIT, WHICH IS RESPONSIBLE ALONG WITH THE EMPLOYING ACTIVITY FOR TRYING TO REACH RESOLUTION
 - UNRESOLVED CLAIMS ARE SENT TO HQ DLA FOR DECISION
 - AFTER RECEIVING A DLA DECISION, EMPLOYEE MAY FILE A CLAIM WITH OPM
 - EMPLOYEES MAY ALSO CHOOSE TO FILE DIRECTLY TO OPM

EMPLOYEE CLAIMS (CONT'D)

- BARGAINING UNIT EMPLOYEES MUST FILE A CLAIM FOR OVERTIME COMPENSATION (BACK PAY) USING THE NEGOTIATED GRIEVANCE PROCEDURE
 - AT UNION'S DISCRETION, AN UNRESOLVED GRIEVANCE OVER BACK PAY MAY BE TAKEN TO ARBITRATION
- NEGOTIATED GRIEVANCE PROCEDURE IS EXCLUSIVE AVENUE FOR BARGAINING UNIT EMPLOYEES; OPM WILL NOT PROCESS A CLAIM

SUPERVISOR RESPONSIBILITIES

- SUPERVISOR RESPONSIBILITIES INCLUDE:
 - ENSURING THAT EMPLOYEES PERFORM WORK OUTSIDE THEIR BASIC TOUR OF DUTY ONLY AS DIRECTED
 - MAINTAINING COGNIZANCE OF EMPLOYEE ARRIVAL AND DEPARTURE TIMES, LUNCH PERIODS
 - DIRECTING EMPLOYEES AS NECESSARY TO ENSURE THAT SCHEDULED TOURS ARE OBSERVED

SUPERVISOR RESPONSIBILITIES (CONT'D)

- SUPERVISOR RESPONSIBILITIES (CONTINUED):
 - SCHEDULING TRAVEL DURING EMPLOYEES' DUTY HOURS, TO THE MAXIMUM EXTENT POSSIBLE
 - WHERE FEASIBLE, SCHEDULING MEETINGS, ETC. SO THAT EMPLOYEES TRAVEL DURING DUTY HOURS
 - WHERE FEASIBLE, ADJUSTING TOURS TO CORRESPOND TO TRAVEL REQUIREMENTS OF ASSIGNMENTS
 - AS NECESSARY, DIRECT EMPLOYEES TO TRAVEL OUTSIDE THEIR TOURS OF DUTY